

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE**

EARLEY STORY,)
)
Plaintiff,)
)
v.)
)
TRE HARGETT, in his official capacity of)
Tennessee Secretary of State, RICHARD) Case No. 2:15-cv-2540-JDT
HOLDEN, in his official capacity as)
Administrator of Elections for Shelby County,)
Tennessee, MARC GOINS, in his official)
capacity as Tennessee Coordinator of)
Elections, and CARA HARR, in her official)
capacity as HAVA Attorney for the Tennessee)
Secretary of State,)
)
Defendants.)

DEFENDANTS' MOTION TO DISMISS

EXHIBIT 2 –
September 18, 2014 Letter from Division of Elections
to Plaintiff

Tre Hargett, Secretary of State
State of Tennessee



Division of Elections

312 Rosa L. Parks Avenue, 7th Floor
Nashville, Tennessee 37243-0305

Mark Goins
Coordinator

615-741-7956
Mark.Goins@tn.gov

September 18, 2014

Earlie Story
4700 Gill Drive
Memphis, TN 38109

RE: Voter Registration – Voter Fraud

Dear Mr. Story,

Our office received your Title III HAVA Complaint regarding your voter registration in Shelby County. According to Section 402 of Title IV of the Help America Vote Act (hereinafter HAVA), each state must establish a state-based administrative complaint procedure. Pursuant to that section, the Coordinator of Elections or designee must determine if a violation of Title III has occurred. A violation of Title III includes the following categories:

- voting systems standards
- provisional voting
- voter information requirements
- computerized statewide voter registration list
- accessibility for individuals with disabilities

Section 303 of the Act requires each State to maintain a computerized statewide voter registration list. Tennessee's statewide database does comply with the requirements set forth in the HAVA Act.

I have reviewed your HAVA complaint received on August 21, 2014. I have spoken to the Shelby County Election Commission and the Shelby County Criminal Court regarding your complaint. There does not appear to be any false entries as it relates to your voter registration nor does it appear that there have been any HAVA violations as it relates to the statewide voter registration list.

According to the Shelby County Criminal Court and the certificate of restoration form submitted in March of 2012, you were convicted in the Shelby County Criminal Court for a sale of marijuana in 2000. That conviction was subsequently appealed and affirmed by the court in 2003. If this information is incorrect, the Shelby County Criminal Court's office would need to send notice to the Shelby County Election Commission that the felony conviction notice was sent in error.

In Shelby County, voters are assigned an ID number in the voter registration system when the voter registers to vote. ID number 0919110 was assigned to your voter registration in 1979. The Shelby County Election Commission ID numbers associated with your voter registration, FEL365790 and FEL148032, are not Tennessee Offender Management Information System (TOMIS) ID numbers. One's TOMIS ID number is assigned by the Department of Correction and identifies the offender in the Tennessee Offender Management Information System. The ID numbers, FEL365790 and FEL148032, associated with your voter registration were assigned by the Shelby County Election Commission voter registration system when a felony purge notice was generated from the system. The original purge letter was sent in January 2000 and a subsequent purge letter was sent in October 2004 it appears after your conviction was affirmed by the court. In March 2012, after a certificate of restoration form was submitted and approved by this office, the Shelby County Election Commission processed your voter registration application. Since this was a new registration, a new ID number, 9900336631, was assigned to your voter registration.

The NCIC criminal history report is not generated by the Shelby County Election Commission office and therefore any numbers assigned to your name through that report are not associated with the Shelby County Election Commission office. The Shelby County Election Commission receives information regarding felony convictions from the Shelby County Criminal Court's office. The Shelby County Election Commission does not send felon notifications to the Tennessee Bureau of Investigations.

From the information above, I do not find any Title III violations nor does it appear that the Shelby County Election Commission office has done anything inappropriate as it relates to your voter registration. According to the complaint procedure, if no violation of Title III is found, the complaint must be dismissed. Therefore, the complaint is dismissed.

If you have any other questions regarding this issue, please contact our office.

Sincerely,

Cara Harr
HAVA Attorney

Cc: Rich Holden, Shelby County Election Commission